

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARK A. MCCONNAUGHY,	:	Case No. 3:21-cv-141
	:	
Plaintiff,	:	
	:	
vs.	:	District Judge Michael J. Newman
	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
JEANETTA,	:	
	:	
Defendant.	:	
	:	

ORDER

This case is before the Court for a *sua sponte* review of *pro se* Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2).

Pursuant to § 1915, the Court may dismiss a complaint upon finding (1) the claims are frivolous or malicious; (2) it fails to state a claim upon which relief may be granted; or (3) it seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915(e)(2)(B). It is appropriate for the Court to conduct this review *sua sponte* prior to issuance of process "so as to spare prospective defendants the inconvenience and expense of answering such complaints." *Neitzke v. Williams*, 490 U.S. 319, 324 (1989). Having conducted this initial review, the Court finds that dismissal under 28 U.S.C. § 1915 is not warranted at this stage of the litigation.

However, this Court cannot order the United States Marshal to make service of process under Fed. R. Civ. P. 4(c)(3) because Plaintiff has not submitted the forms necessary to effectuate service. Accordingly, Plaintiff is ORDERED to provide all required service forms (including Defendant's address) by July 16, 2021. Failure to effect service of process within the time specified by Rule 4(m) could result in dismissal of this case.

IT IS SO ORDERED.

June 29, 2021

s/Peter B. Silvain, Jr.

Peter B. Silvain, Jr.

United States Magistrate Judge